



U.S. Department of Justice

*United States Attorney
Southern District of New York*

86 Chambers Street
New York, New York 10007

December 7, 2023

VIA ECF

Hon. Jennifer L. Rochon
United States District Judge
Southern District of New York
500 Pearl Street, Room 1920
New York, New York 10007

Re: *Almuntaser, et al. v. Mayorkas, et al.*, No. 23 Civ. 7978 (JLR)

Dear Judge Rochon:

This Office represents the defendants (the “government”) in this action, in which the plaintiffs challenge U.S. Citizenship and Immigration Services’ (“USCIS”) denial of plaintiff Mohamed Almuntaser’s Application to Register Permanent Residence or Adjust Status under 8 U.S.C. § 1255 (“Form I-485”). The government’s answer to the complaint is due on December 11, 2023.

I write to request an extension of time to file an answer to the complaint, a continuance of the pretrial conference, and adjournment of the obligation to submit a joint pretrial conference letter and supporting documents pursuant to Rule 2(D) of the Court’s Individual Rules. The Court entered a Notice of Initial Pretrial Conference setting the pretrial conference for December 14, 2023, at 12:00 p.m.¹ and directing the parties to confer and submit the joint letter and various documents by today, December 7, 2023. The parties conferred as ordered and discussed potential parameters for resolving the case without further litigation. To further explore that resolution, I respectfully request a 60-day extension of time to answer the complaint until February 5, 2024, and corresponding adjournment of the pretrial conference. This is the government’s first request and plaintiffs do not oppose the request.

In addition, I respectfully ask the court to also adjourn the submission of the Case Management Plan. The parties disagree as to whether discovery is permissible in this action brought under the Administrative Procedure Act, but because of the potential for resolution without further litigation, the parties respectfully submit that the question of discovery need not be resolved at this time.

I thank the Court for its consideration of this request.

¹ Because counsel for the parties are physically located in California and Florida respectively, if the Court does not adjourn the conference, the parties respectfully request that the Court hold the conference telephonically.

Respectfully submitted,

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cc: Counsel of record (via ECF)

The request is **GRANTED**. Defendants' time to respond to the complaint is extended to **February 5, 2024**. The initial pretrial conference originally scheduled for December 14, 2023 is adjourned to **February 8, 2024 at 4:00 p.m.** and will take place on Microsoft Teams. Counsel will receive Microsoft Teams log-in credentials at the email addresses listed on ECF. The public listen-only line may be accessed by dialing Toll-Free Number: 877-336-1831 | Access Code: 5583342.

The parties shall file the joint letter and proposed Civil Case Management Plan and Scheduling Order as described in ECF No. 7 no later than **ten calendar days before the conference date**.

SO ORDERED.

Dated: December 8, 2023
New York, New York



JENNIFER L. ROCHON
United States District Judge